

Statement of Congressman Ron Kind
H.J. Res 4
Constitutional Amendment to Prohibit the Desecration of the U.S. Flag

MR. SPEAKER, I HAVE THE UTMOST REVERENCE AND RESPECT FOR THE FLAG OF THE UNITED STATES, ONE OF THE MOST RECOGNIZABLE SYMBOLS OF FREEDOM AND LIBERTY IN THE WORLD. AND I HAVE THE UTMOST RESPECT FOR THOSE WHO WANT TO PROTECT IT. AMONG OTHER THINGS, THE FLAG REPRESENTS OUR RIGHTS AS AMERICANS, INCLUDING THOSE PROTECTED BY THE BILL OF RIGHTS. THE FIRST AMENDMENT IN PARTICULAR IS THE AMENDMENT THAT EMBODIES THE VERY ESSENCE UPON WHICH OUR DEMOCRACY WAS FOUNDED BECAUSE IT STANDS FOR THE PROPOSITION THAT ANYONE IN THIS COUNTRY CAN STAND UP AND CRITICIZE THIS GOVERNMENT AND ITS POLICIES WITHOUT FEAR OF PROSECUTION.

THE FIRST AMENDMENT IS PERHAPS THE BEST KNOWN PROVISION OF THE CONSTITUTION AND HAS BEEN WELL GUARDED OVER THE YEARS BY CONGRESS AND THE COURTS. BUT TODAY'S AMENDMENT WOULD CREATE A TREMENDOUS SPIRITUAL CHANGE, EFFECTIVELY TURNING THE WORDS "NO LAW" IN "CONGRESS SHALL MAKE NO LAW" INTO "FEW LAWS." WHICH IS TO SAY IT WOULD SAP THE FIRST AMENDMENT OF THE PRINCIPLE IT REPRESENTS, THE ONE THAT INSISTS THAT THIS COUNTRY DOES NOT PUNISH IDEAS, NO MATTER HOW UNPOPULAR.

BUT HERE WE ARE, YET AGAIN, DEBATING AN AMENDMENT THAT WOULD FOR THE FIRST TIME IN OUR NATION'S HISTORY CHANGE THE FIRST AMENDMENT TO OUR CONSTITUTION, WITHOUT A COMPELLING REASON. FLAG BURNING IS

EXCEEDINGLY RARE. YET SUPPORTERS HAVE NEVER LET THEMSELVES BE RESTRAINED BY THE FACT THAT THE AMENDMENT REPRESENTS A NON-SOLUTION TO A NON-PROBLEM, AND WHOSE PREDICTABLE OUTCOME WOULD BE TO MAKE FLAG BURNING THE “IN” PROTEST AMONG THE YOUNG AND ANTISOCIAL.

I AM GOING TO OPPOSE THIS LEGISLATION, NOT BECAUSE I CONDONE OR DO NOT FEEL REPULSED BY THE SENSELESS ACT OF DISRESPECT THAT IS SHOWN RARELY AGAINST ONE OF THE MOST CHERISHED SYMBOLS OF OUR COUNTRY, THE AMERICAN FLAG, BUT BECAUSE I RECOGNIZE THAT OUR CONSTITUTION CAN BE A CHALLENGING DOCUMENT. IT REMINDS US THAT OUR DEMOCRACY REQUIRES ALL OF US TO PERMIT THE EXPRESSION OF IDEAS THAT WE MAY SPEND A LIFETIME OPPOSING - AND NOT SIMPLY MOVE TO PASS AN AMENDMENT TO SILENCE THEIR VOICE. OUR DEMOCRACY, RATHER, IS ABOUT ADVANCED CITIZENSHIP. IT ASKS ALL AMERICANS TO FIGHT AND EVEN PROTECT THE RIGHT OF OUR FELLOW CITIZENS TO EXPRESS VIEWS THAT ARE AGAINST WHAT WE BELIEVE AND VALUE MOST IN OUR COUNTRY.

THERE ARE FEW THINGS THAT EVOKE MORE EMOTION, PASSION, PRIDE OR PATRIOTISM THAN THE AMERICAN FLAG. BUT IF WE PASS THIS AMENDMENT TODAY, WHERE DO WE STOP? DO WE MOVE TO PROTECT OTHER ICONS OF AMERICAN PATRIOTISM? SHOULD WE PASS AN AMENDMENT THAT PROHIBITS THE BURNING OF A COPY OF THE DECLARATION OF INDEPENDENCE OR OF THE CONSTITUTION? LET US NOT GO DOWN THAT PATH TODAY. WE HAVE DONE WELL THESE PAST TWO CENTURIES WITHOUT HAVING TO AMEND THE BILL OF RIGHTS.

IN A COUNTRY OF OVER 280 MILLION PEOPLE, I DO NOT BELIEVE THAT THE ACTIONS OF A FEW INDIVIDUALS SHOULD COMPEL US TO CHANGE OUR MOST FUNDAMENTAL PRINCIPLES. I RESPECT OUR FLAG AS WELL AS THOSE WHO HAVE FOUGHT AND DIED TO PROTECT THE IDEALS WHICH IT SYMBOLIZES, BUT I ALSO RESPECT THOSE VERY IDEALS AND PRINCIPLES CONTAINED IN OUR CONSTITUTION. THE PURITY OF THE FIRST AMENDMENT SHOULD NOT BE ADULTERATED NOW SO THAT CONGRESS CAN PROTECT FLAGS THAT NOBODY'S BURNING ANYWAY.

I RESERVE THE BALANCE OF MY TIME.